

Maurer School of Law: Indiana University
Digital Repository @ Maurer Law

Federal Communications Law
Journal

Volume 47 | Issue 2

Article 22

12-1994

FCC Plus Sixty

Larry King

Larry King Live

Follow this and additional works at: <http://www.repository.law.indiana.edu/fclj>



Part of the [Antitrust and Trade Regulation Commons](#), and the [Communications Law Commons](#)

Recommended Citation

King, Larry (1994) "FCC Plus Sixty," *Federal Communications Law Journal*: Vol. 47: Iss. 2, Article 22.

Available at: <http://www.repository.law.indiana.edu/fclj/vol47/iss2/22>

This Essay is brought to you for free and open access by the Law School Journals at Digital Repository @ Maurer Law. It has been accepted for inclusion in Federal Communications Law Journal by an authorized administrator of Digital Repository @ Maurer Law. For more information, please contact wattn@indiana.edu.



JEROME HALL LAW LIBRARY

INDIANA UNIVERSITY
Maurer School of Law
Bloomington

The FCC Plus Sixty

Larry King*

I'm a year older than the Federal Communications Commission (FCC or Commission) and will admit right now that I wasn't paying a lot of attention to its creation or its mission in 1934. In fact, my initial view of its work was from a neighbor's living room floor in Brooklyn where we'd gather to watch test patterns on the only television set in town and bet on when a picture would appear. Back then Channel Four was Milton Berle, Channel Five was Jackie Gleason, and there wasn't anything after that. But when there was nothing to begin with, you didn't notice the vacuum.

Today we talk a lot about vacuums. Television is either too dull or too repetitive or too liberal or too violent or filled with too many commercials. It has more than we need in one area and not enough in another. Newton Minow (who can be found elsewhere in this *Journal* and who was, perhaps, the best FCC Chairman to date) warned about the "vast wasteland" on television. Now, with 500-channel cable systems and satellite reception of programs, with all-news and all-sports and all-music and all-shopping, I have no problem saying the wasteland has become even more vast. We have more channels to waste.

The FCC has gone through too many chairmen who have wanted the industry to regulate itself rather than the government regulate it. Their argument has always been that standards can be set and maintained within the marketplace. As a result, the Fairness Doctrine, which was born in 1959, was killed in 1987 by Ronald Reagan. As a result, women managers of television and radio stations are few. As a result, minority ownership, by everyone's standards, is still rare. As a result, promises are made by broadcast outlets on a daily basis and then ignored. As a result, radio stations are identified as "J-26" rather than W-whatever or K-whatever. The inmates are running the asylum.

* The Author is host of CNN's *Larry King Live*, one of cable television's highest-rated programs. He currently does a daily commentary called *My Side of the Story* carried by 150 radio stations and is the author of the new book, *How to Talk to Anyone, Anytime, Anywhere* (forthcoming Crown).

Here is an example of what is happening in the business. I own Larry Airlines. But I can't fly my planes to Miami anytime I want at any altitude; even assuming I can find Miami, I just can't land my plane on any runway I want. Somebody has to set the rules or, if that word is too offensive, at least establish some guidelines. And Larry ain't gonna sit down with Moe and Curly, who also own airlines, to talk about what more can be done to benefit the public. More importantly, Larry, Moe, and Curly may be good pilots, but that has nothing to do with having good or healthy ideas.

We learn in Journalism 101 that the airwaves are "owned" by the public. Unlike a newspaper or a cable television system, anything going from a transmitter through the air to our homes carries with it (hopefully) an implied standard set by the public. If it's in the air, we all have a stake in it, even if we don't listen to the radio or watch television. Those who carry the argument that the industry will meet the standard by itself are fooling themselves, and more importantly, they are fooling you. While I've never heard a host or a producer say, "Larry, I'm going out there today to be unfair," that doesn't mean it can't happen. I've got no problem with Senator Hollings trying to pull a Lazarus on the Fairness Doctrine. If we agree fairness is a goal, then we have to agree the industry will be fairer with a doctrine than without.

This becomes critical as talk radio becomes even more popular (don't worry, country music is still by far the most popular format). The public continues to sense a distance from government and, consequently, a disengagement from government attempts to do something right. But because an element of optimism remains, we are attracted by the opportunity to express our displeasure to a host on an open phone line, as well as the chance to tell a government official he or she is an idiot, or ask them a tough question that thus far has been ignored by the media. Ross Perot picked up on this in the 1992 presidential election, chose to bypass the traveling media assigned to his campaign, and instead, talked directly to voters through radio and television interviews. Soon George Bush and Bill Clinton were doing two-hour interviews with phone calls on *Today* and *CBS Morning News*. Don't think for a minute this was a one-shot deal. The 1996 campaign will be fought through interactive television and radio, using town forums connected by satellite. We will be seeing, and hearing, debate on specific issues and referenda in much the same way. We are beginning teledemocracy. Bottom Line: I hope the FCC, rather than the industry, will be involved in seeing that the structure is fair and workable.

While not written in its charter, the driving force of the FCC is to keep tabs on voices that cannot speak but have as much right as anyone else to be heard. The "playing field" has to be level and this is something

you can be certain won't occur if the "marketplace" is running the show. Television and radio stations owe the owners of the airwaves programs that can entertain as well as educate. Moreover, ownership of these broadcast outlets has to be available (read possible) to minorities. I think we can all agree white men don't have a mortal lock on the truth, much less knowing the problems and concerns and the subsequent solutions from the other side of the tracks. Knowledge is power. I rest my case.

Despite the constant attempts to derail, water down, get Washington out of our hair, or otherwise "liquidate," the FCC is still a good idea. When the day comes that the airwaves are taken over by special interests, political forces, wealth, religion, and/or a single way of thinking, then you will find me arguing the other side. I'll have to because there will be no other choice.

